

S. R. No. 737—By Senator Watson: Extending welcome to students from Mary-Hardin Baylor University, Belton.

S. R. No. 738—By Senator Watson: Extending welcome to Mrs. J. C. Bradford and Mrs. Otis Punchard.

S. R. No. 739—By Senator Harrington: Extending welcome to Exchange Students from Lima, Peru.

S. R. No. 740—By Senators Aikin and Hightower: Extending welcome to the Reverend and Mrs. Glendell A. Jones and Mrs. Lester Rinefield.

S. R. No. 741—By Senator Herring: Extending welcome to teachers and students, Smithville High School.

S. R. No. 742—By Senator Herring: Extending welcome to teacher and fifth grade students, Travis Heights Elementary School.

Adjournment

On motion of Senator Aikin the Senate at 11:50 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 17, 1971

S. B. No. 433.

THIRTY-NINTH DAY

(Thursday, March 18, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

(Senator Word in Chair.)

Leave of Absence

Senator Bridges was granted leave of absence for today on account of illness on motion of Senator Hightower.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 241, A bill to be entitled "An Act transferring original jurisdiction in matters of eminent domain from the County Court and the County Court at Law of Tarrant County to the district courts of that county; and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to amend Chapter 495, Acts of the 44th Legislature, Third Called Session, 1936, as last amended by Chapter 402, Acts of the 52nd Legislature, Regular Session, 1951 (Article 7064a, Vernon's Texas Civil Statutes) redefining the terms 'insurance organization'; providing exceptions to the imposition of the tax; repealer clause; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act relating to the appointment and terms of office of members of the Texas State Board of Examiners of Psychologists; amending Sections 4 and 5, Chapter 713, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4512c, Vernon's Texas Civil Statutes); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. 386 (Floor Report).

Senator Bates submitted the following report for the Committee on Transportation:

H. B. No. 600 (Floor Report).

Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 57.

Senate Bill 876 on First Reading

Senator Connally moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Connally:

S. B. No. 876, A bill to be entitled "An Act amending Section 16.71 of the Texas Education Code, Chapter 889, Acts of the 61st Legislature, Regular Session 1969, to provide for

total state funding of the Foundation School program; repealing sections 16.72 through 16.83 of the Texas Education Code, Chapter 889, Acts of the 61st Legislature, Regular Session, 1969; providing for an effective date; and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 743

Senator Bates offered the following resolution:

Whereas, A former distinguished member of the Senate, and a present representative of the "third house," the Honorable Jep Fuller, is recovering from emergency surgery performed at M. D. Anderson Hospital in Houston, Texas, on March 16, 1971; and

Whereas, Although it is regrettable that the Senate will have to function without the benefit of his counsel for the next few weeks, we will look forward to his speedy recovery and return to the chambers of the Legislature in the near future; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature convey to Jep Fuller our sincere desire that he be restored to health very soon; and be it further

Resolved, That a copy of this Resolution be prepared for him as a token of our deep regard.

BATES
HIGHTOWER

Signed—Lieutenant Governor Ben Barnes; Aikin, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, and Word.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bates the resolution was adopted.

House Concurrent Resolution 53 on Second Reading

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 53, Memorializing the Congress of the United States to take appropriate action to protect "access hospitals" and to prevent their loss of Medicare certification.

The resolution was read.

On motion of Senator Patman and by unanimous consent, the resolution was considered immediately and was adopted.

(President in Chair.)

Motion to Reconsider Vote by Which House Bill 3 Was Finally Passed Spread on Senate Journal

Senator Blanchard moved that the vote by which H. B. No. 3 was finally passed on yesterday be reconsidered and that the motion to reconsider be spread on the Senate Journal.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 72, Requesting the Parks and Wildlife Commission to issue an additional series of bonds in order to continue acquisition and development of new parks; providing Legislative recognition of need to invoke general obligation provision of the Constitution if necessary to pay premiums at maturity.

H. C. R. No. 90, In memory of Captain Albert Tijerina, Jr.

H. C. R. No. 92, Congratulatory Resolution for Order of DeMolay.

H. B. No. 66, A bill to be entitled "An Act providing that the Red Cross, the Salvation Army, and licensed ambulance companies may be designated as official demense and disaster relief agents in times of emergency; amending Section 8, Chapter 311, Acts of the 52nd Legislature, 1951 (Article 6889-4, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act to be known as the 'Professional Services Procurement Act,' re-

lating to and establishing state policies and procedures for the procurement of professional services of architects, attorneys, physicians, surgeons and engineers, by agencies and departments of the State of Texas, political subdivisions, counties, municipalities, districts, public authorities or publicly-owned utilities; defining terms; declaring public policy; prohibiting contracting for such services by competitive bidding; providing for severability; providing a repealing clause and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act relating to the use of artificial devices to call or attract fox in Jasper, Newton, Tyler, and Hardin Counties; amending Section 1, Chapter 640, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act amending Acts 1969, 61st Legislature, Chapter 889, known as Texas Education Code, by amending Section 2.08 to extend the provisions thereof to any employee of any textbook publishing company selling textbooks in Texas or to any person receiving any payments of money from any such companies; providing certain exceptions; providing for severability; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Committee Substitute
House Bill 43 on Second Reading**

The President laid before the Senate on its second reading and-passage to third reading:

C. S. H. B. No. 43, A bill to be entitled "An Act relating to the tuition fee charged nonresident students enrolled at state-supported institutions of higher education and to the classification of certain students as residents and nonresidents; amending Subsections (a), (b) and (c), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes); amending Subsections (f) and (h), Section 1, Chapter 436, Acts of the 57th Legislature, Regular Session, 1961 (Article 2654c, Vernon's Texas Civil Statutes), as amended; amending Subsection (b),

Section 51.003, Texas Education Code; amending Chapter 51, Texas Education Code; providing severability; and declaring an emergency."

The bill was read second time.

Senator Bernal offered the following amendment to the bill:

Amend C. S. H. B. No. 43 by striking Subsection (a), Sec. (4) on line 35 through line 37, page 1 and substituting in lieu thereof the following:

(4) Tuition for nonresident students registered for (12) or more term hours of work per term of three (3) months will be based on reciprocity with other states; such reciprocity to be administratively determined by the Coordinating Board, State Colleges and Universities.

BERNAL
SCHWARTZ
KENNARD

The amendment was read and failed of adoption.

The bill was passed to third reading.

Record of Votes

Senators Harrington, Schwartz, Bernal, Wilson and Kennard asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Committee Substitute House Bill 43 on Third Reading

Senator Hightower moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Word

Nays—6

Bernal	McKool
Harrington	Schwartz
Kennard	Wilson

Absent—Excused

Bridges

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Word

Nays—6

Bernal	McKool
Harrington	Schwartz
Kennard	Wilson

Absent—Excused

Bridges

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. C. R. No. 89.

H. B. No. 187.

S. B. No. 241.

Senate Concurrent Resolution 61

Senator Blanchard offered the following resolution:

S. C. R. No. 61, Recalling H. B. No. 3 from House of Representatives.

The resolution was read.

On motion of Senator Blanchard, and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 258 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 258, A bill to be entitled "An Act relating to appointment of a county tax assessor-collector in a county under 10,000 inhabitants following an election adding the separate office; amending Chapter 8, Title 122, Revised Civil Statutes of Texas, 1925, by adding a new Article 7246½; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 258 on Third Reading

Senator Word moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 258 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Brooks
Bates	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover

Hall	Moore
Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	Word

Absent—Excused

Bridges

House Bill 183 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 183, A bill to be entitled "An Act relating to authorizing the Commissioners court in any county to establish a suboffice or branch office for the sale of license plates and collection of taxes; providing for compensation for tax assessor-collectors who attach license plates to vehicles; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 183 on Third Reading

Senator Word moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 183 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

Committee Substitute
House Bill 198 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 198, A bill to be entitled "An Act amending Section 7, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, relating to the right of an injured employee entitled to medical aid and treatment under the provisions of the Workmen's Compensation Law to select a licensed physician or licensed chiropractor of his own choice; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Committee Substitute
House Bill 198 on Third Reading

Senator Wallace moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 198 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Brooks	McKool
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—4

Aikin	Moore
Grover	Patman

Absent—Excused

Bridges

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24

Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Patman
Creighton	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Wilson
Hightower	Word

Nays—6

Aikin	Moore
Blanchard	Ratliff
Grover	Watson

Absent—Excused

Bridges

Committee Substitute
Senate Bill 114 on Third Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 114 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up C. S. S. B. No. 114 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	Moore
Connally	Ratliff
Creighton	Wallace
Grover	Watson
Harrington	Wilson
Harris	Word
Hightower	

Nays—9

Aikin	Patman
Bates	Schwartz
Hall	Sherman
Herring	Snelson
McKool	

Absent—Excused

Bridges

The President laid before the Senate on its third reading and final passage:

C. S. S. B. No. 114, A bill to be entitled "An Act providing that the principal office of the Board of Pardons and Paroles shall be in the city of Huntsville; amending Sections 12 and 13, Article 42.12, Code of Criminal Procedure, 1965; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Bates, Hall, Herring, McKool, Patman, Schwartz, and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 58, In memory of Mrs. Ethel Ruth Watson of Mart.

S. B. No. 333, A bill to be entitled "An Act authorizing governing boards of public junior colleges originally created as county junior college districts which contain territory in three (3) or more counties to divide such junior college districts into nine (9) separate election districts and provide for election of one trustee from each district by qualified voters of that district; providing for terms of office and procedures of election; providing a severability clause; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives
Senate Bill 346 on Second Reading

Senator Christie moved to suspend the regular order of business and take up S. B. No. 346 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Bates	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	

Nays—8

Aikin	Ratliff
Beckworth	Watson
Hall	Wilson
Hightower	Word

Paired—2

Bridges	Wallace
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PAIRED

Senator Wallace (present), who would vote "Nay," with Senator Bridges (absent), who would vote "Yea."

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 346, A bill to be entitled "An Act providing for the legal sale of mixed beverages on a local option basis; providing for the regulation of the sale and service of certain alcoholic beverages; providing penalties; etc., and declaring an emergency."

The bill was read second time.

Senator Christie offered the following Committee Amendment to the bill:

Amend S. B. No. 346 by striking the word "three" in the third sentence of the quoted Section 20e in Section 15 of the bill and substituting the words "two and four-tenths."

The Committee Amendment was read and was adopted.

Senator Christie offered the following Committee Amendment to the bill:

Amend Section 17 of S. B. 346, adding to Article I, Texas Liquor Control Act, a new section to be identified as Section 20c, by striking the proposed Section 20c in its entirety and substituting in lieu thereof the following:

"Section 20c. (a) No holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased. A person who violates this section is punishable, upon conviction, by a fine of not more than \$1,000 or by confinement in the county jail for no more than thirty (30) days or by both. The Commission or Administrator may, after notice and hearing, suspend for a period of up to sixty (60) days, or cancel, the permit of any permittee it finds to have violated this subsection.

"(b). No holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may knowingly possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice conform-

ing with the requirements specified in subsection (a) of this Section 20c. A person who violates this subsection is punishable by a fine of not less than \$500 nor more than \$1,000 and by confinement in the county jail for not less than thirty (30) days nor more than two (2) years. The Commission or Administrator shall cancel the permit of any permittee convicted of violating this subsection or found by the Commission or Administrator, after notice of hearing, to have violated this subsection."

The Committee Amendment was read and was adopted.

Senator Christie offered the following Committee Amendment to the bill:

Amend Senate Bill 346, Section 16, adding to Article I of the Texas Liquor Control Act a new section to be identified as Section 20b by adding at the end of that section as drafted, at page 12, line 6, two new subsections to be identified as (f) and (g) and to read as follows:

"(f) No holder of a Mixed Beverage Permit shall sell any alcoholic beverage to any other holder of a Mixed Beverage Permit or to any other person, except for consumption on the licensed premises of the selling permit holder.

"(g) No holder of a Mixed Beverage Permit shall permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold."

The Committee Amendment was read and was adopted.

Senator McKool offered the following amendment to the bill:

Amend Section 15 of Senate Bill 346 adding to Article I of the Texas Liquor Control Act a new section to be identified as Section 20e by:

First: Striking from the first sentence the term "Wholesaler's Permit" and substituting in lieu thereof the term "Local Distributor's Permit."

Second: Striking the word "wholesaler" as used in the second and third sentences thereof and substituting in lieu thereof the words "local distributor."

Third: Adding to the provision as now written two new paragraphs to read as follows:

"The Commission or Administrator is authorized to issue Local Distributor's Permits only to holders of Package Store Permits issued under the terms of Section 15(8) of this Article I of the Texas Liquor Control Act. A Local Distributor's Permit shall authorize the holder thereof to purchase distilled spirits or liquor from holders of Wholesaler's Permits issued under the terms of Section 15(6) of this Article I, of the Texas Liquor Control Act, only, and to sell and distribute to Mixed Beverage Permittees such brands of distilled spirits or liquor as are for general distribution and are available from the Wholesaler to all Local Distributors. The fee for a Local Distributor's Permit shall be in the amount of \$50.00 and shall be paid in addition to, and under the same conditions as the fee paid for the holder's Package Store Permit. Any holder or any agent of a holder of a Wholesaler's Permit issued under the terms of Section 15(6) of this Article I may enter the licensed premises of a Mixed Beverage Permittee for the purpose of determining the brands offered for sale and suggesting or promoting to the extent authorized by Section 17(3)(g) of this Article I, the sale of other brands; provided, however, that no holder and no agent of a holder of a Section 15(6) Wholesaler's Permit shall be authorized to accept a direct order from a Mixed Beverage Permittee. No holder of a Non-Resident Seller's Permit or a Manufacturer's Agent's Permit issued under Section 15½, Article I, shall, unless accompanied by the holder or the agent of a holder of a Wholesaler's Permit, solicit any business, directly or indirectly from a Mixed Beverage Permittee."

The amendment was read.

Senator Christie offered the following amendment to the pending amendment:

Amend Amendment No. 4 to Senate Bill 346 as follows:

(1) Strike the quoted paragraphs in the third section of the amendment and substitute the following:

"The Commission or Administrator is authorized to issue Local Distributor's Permits only to holders of Package Store Permits or Wholesaler's Permits. A Local Distributor's Permit authorizes the holder to sell distilled spirits or liquor to Mixed Beverage Permittees. The annual fee for a Local Distributor's Permit is \$10, and this fee shall be paid in addition to, and under the same conditions as, the fee for the permittee's Package Store or Wholesaler's Permit. Any holder or any agent of a holder of a Wholesaler's Permit issued under the terms of Section 15(6) of this Article I may enter the licensed premises of a Mixed Beverage Permittee for the purpose of determining the brands offered for sale and suggesting or promoting to the extent authorized by Section 17(3)(g) of this Article I, the sale of other brands; provided, however, that no holder and no agent of a holder of a Section 15(6) Wholesaler's Permit shall be authorized to accept a direct order from a Mixed Beverage Permittee unless the holder of the Wholesaler's Permit also holds a Local Distributor's Permit.

No holder of a Non-Resident Seller's Permit or a Manufacturer's Agent's Permit issued under Section 15½, Article I, shall, unless accompanied by the holder or the agent of a holder of a Wholesaler's Permit, solicit any business, directly or indirectly from a Mixed Beverage Permittee."

(2) Strike the second section of the amendment and substitute the following:

"Second: Striking the word 'wholesaler' in the third sentence and substitute the words 'local distributor.'"

(3) Add the following language after the third section of the amendment:

"Fourth: Striking the second sentence of the quoted Section 20e and substitute the following:

'Notwithstanding any other provision of this Act, the holder of a Local Distributor's Permit may sell liquor in any size container to holders of Mixed Beverage Permits. Holders of a Wholesaler's Permit may import, sell, offer for sale or possess for purposes of resale liquor in any size container only for resale to holders of a Distributor's Permit or, if the

wholesaler holds a Distributor's Permit, for resale to Mixed Beverage Permittees, or as permitted in Section 15(21) of this Article.'"

The amendment to the amendment was read.

Question on the adoption of the amendment to the amendment, "Yeas" and "Nays" were demanded.

The amendment to the amendment failed of adoption by the following vote:

Yeas—10

Aikin	Jordan
Beckworth	Patman
Brooks	Schwartz
Christie	Snelson
Connally	Wilson

Nays—20

Bates	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Creighton	McKool
Grover	Moore
Hall	Ratliff
Harrington	Sherman
Harris	Wallace
Herring	Watson
Hightower	Word

Absent—Excused

Bridges

Senator Blanchard offered the following amendment to the pending amendment:

Amend McKool amendment to S. B. 346 by changing the words and figures \$50.00 to the words and figures \$250.00 wherever they appear.

The amendment to the amendment was read.

Question on the adoption of the amendment to the amendment, "Yeas" and "Nays" were demanded.

The amendment to the amendment failed of adoption by the following vote:

Yeas—13

Aikin	Hightower
Beckworth	Jordan
Blanchard	Patman
Brooks	Ratliff
Christie	Sherman

Wallace
Watson

Wilson

Nays—17

Bates	Kennard
Bernal	Kothmann
Connally	Mauzy
Creighton	McKool
Grover	Moore
Hall	Schwartz
Harrington	Snelson
Harris	Word
Herring	

Absent—Excused

Bridges

Question recurring on the adoption of the amendment by Senator McKool, the amendment was adopted.

Record of Votes

Senators Moore and Christie asked to be recorded as voting "Nay" on the adoption of the amendment by Senator McKool.

Senator Bates offered the following amendment to the bill:

Amend Senate Bill Number 346 as follows:

(1) Renumber Section 26 of the bill as Section 27 and insert a new Section 26 to read as follows:

"Section 26. Section 13, Article I, Texas Liquor Control Act, as amended (Article 666-13, Vernon's Texas Penal Code), is amended by adding a Subsection (f) to read as follows:

'(f) Notwithstanding any other provision of this Act, if the surviving spouse or surviving descendent of a holder of a Mixed Beverage Permit qualifies as the successor in interest to the permit as provided in Subsection (b) of this Section, the descendent or surviving spouse may continue to renew the permit by paying a renewal fee equal to the fee the permittee would be required to pay had he lived.'"

(2) Amend Section 9 of the bill by adding a Subsection (d) to the quoted Section 58 to read as follows:

"(d) This section does not apply to a change in corporate control brought about by the death of a shareholder if his surviving spouse

or descendents are his successors in interest."

The amendment was read and was adopted.

Record of Vote

Senator Wallace asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Bates offered the following amendment to the bill:

Amend Senate Bill 346 by striking the last sentence of the quoted Subsection (22) in Section 8 of the bill and substituting the following:

"The annual fee for a Mixed Beverage Permit is Two Thousand Five Hundred Dollars (\$2,500) for the original permit, Two Thousand Five Hundred Dollars (\$2,500) for the first annual renewal, and Five Hundred Dollars (\$500) for each subsequent annual renewal."

The amendment was read.

Senator Hightower offered the following substitute for the pending amendment to the bill:

Amend S. B. 346 by amending Sec. 8 as follows:

"(22) Mixed Beverage Permit. A Mixed Beverage Permit authorized the holder to sell mixed beverages for consumption on the premises for which the permit is issued. The State fee for a Mixed Beverage Permit is \$5,000 for the original permit and \$2,000 for each annual renewal.

The substitute for the pending amendment was read and failed of adoption.

Record of Votes

Senators Snelson, Watson, Wallace, Hightower and Sherman asked to be recorded as voting "Yea" on the adoption of the above amendment.

Question recurring on the adoption of the amendment by Senator Bates; the amendment was adopted.

Record of Votes

Senators McKool, Watson, Wallace, Creighton and Snelson asked to be recorded as voting "Nay" on the adoption of the amendment by Senator Bates.

Senator Hightower offered the following amendment to the bill:

Amend S. B. 346 by adding a section to be Section 11, (14c) to read as follows:

"(14c) That an applicant for a Mixed Beverage Permit does not have available to the public regular food service adequate for the public in the judgment of the Texas Alcoholic Beverage Commission."

The amendment was read.

On motion of Senator Bates, the amendment was tabled.

Record of Votes

Senator Hightower, Watson, Wallace and Moore asked to be recorded as voting "Nay" on the motion to table the amendment.

Senator Hightower offered the following amendment to the bill:

Amend S. B. 346 by adding a new Section 20(a) as follows:

Section 32, Article 1, Texas Liquor Control Act, as amended (Article 666-32, Vernon's Texas Penal Code), is amended as follows:

"The commissioners court of each county in the state, upon proper petition, shall order an election wherein the qualified voters of such county, or of any justice precinct, or of any qualified incorporated city or town therein, may by the exercise of local option determine whether or not the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or qualified incorporated city or town.

"In order to qualify under the terms of this Act to hold a local option election, an incorporated city or town must have been incorporated for at least three (3) years and must have at least one hundred (100) registered voters at the time of the application for a petition seeking an election to legalize the sale of alcoholic beverages of one or more of the various types. It is further understood that whenever the words 'incorporated city or town' are used in this act in relation to a local option election, the term refers to a 'qualified' incor-

porated city or town as hereby defined.

"Subject to the provisions of this section and Section 32½ of the Texas Liquor Control Act, upon the written application of any ten or more qualified voters of any county, justice precinct, or incorporated city or town, the county clerk of such county shall issue to the applicants a petition to be circulated among the qualified voters thereof for the signatures of those qualified voters in such area who desire that a local option election be called therein for the purpose of determining whether the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated city or town.

"An application for a petition seeking an election to legalize the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Application for Local Option Election Petition to Legalize,' and shall contain a statement just ahead of the signature of the applicants, as follows: 'It is the hope, purpose and intent of the applicants whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above.' The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and the issue shall be one of those set out in Section 40 of Article I of the Texas Liquor Control Act.

"An application for a petition seeking an election to prohibit the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Application for Local Option Election Petition to Prohibit,' and shall contain a statement just ahead of the signatures of the applicants, as follows: 'It is the hope, purpose and intent of the applicants whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above.' The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and the issue shall be one of those set out in Section 40

of Article I of the Texas Liquor Control Act.

"The petition for a local option election seeking to legalize the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Petition for Local Option Election to Legalize,' and shall contain a statement just ahead of the signatures of the petitioners, as follows: 'It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above.'

"The petition for a local option election seeking to prohibit the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Petition for Local Option Election to Prohibit,' and shall contain a statement just ahead of the signatures of the petitioners, as follows: 'It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above.'

"Each such petition shall show the date of its issue by the county clerk and shall be serially numbered, and each page of such petition shall bear the same date and serial number, and shall bear the seal of the county clerk. The county clerk shall deliver as many copies of the petition as may be required by the applicants, and each copy shall bear the date, number and seal on each page as required in the original. The county clerk shall keep a copy of each such petition and a record of the applicants therefor. When any such petition so issued shall within thirty days after the date of issue be filed with the county clerk bearing the actual signatures of as many as twenty-five percent of the qualified voters of any such county, justice precinct, or incorporated city or town, together with a notation showing the residence address of each of the said signers, together with the number that appears on his voter registration certificate, taking the vote for Governor at the last preceding general election at which presidential electors were elected as the basis for determining the number of qualified voters in any such county, justice precinct, or incorporated city or town, it

is hereby required that the commissioners court at its next regular session shall order a local option election to be held upon the issue set out in such petition. Such order shall state in its heading and in its text whether the local option election to be held is for the purpose of prohibiting or for the purpose of legalizing the sale of the alcoholic beverages set out in the issue recited in the application and the petition. It shall be the duty of the county clerk to check the names of the signers of any such petition, and the voting precincts in which they reside, to determine whether or not the signers of such petition were in fact qualified voters in such county, justice precinct, or incorporated city or town at the time such petition was issued and to certify to the commissioners court the number of qualified voters signing such petition. No signature shall be counted, either by the county clerk or the commissioners court, where there is reason to believe it is not the actual signature of the purported signer or that it is a duplication either of name or of handwriting used in any other signature on the petition, and no signature shall be counted unless the residence address of the signer is shown, and unless it is signed exactly as the name of the voter appears on the official copy of the current list of registered voters for the voting year which the petition is issued.

"The minutes of the commissioners court shall record the date any such petition is presented, the names of the signers thereof, and the action taken with relation to the same. In any election ordered by the commissioners court, the issue ordered to appear on the ballot shall be the same as that applied for and set out in the petition. No subsequent election upon the same issue shall be held within one year from the date of last preceding local option election in any county, justice precinct, or incorporated city or town."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend Senate Bill No. 346, first printing, by renumbering Section 26

as Section 27 and adding a new Section 26 to read as follows:

Section 26. Article I, Texas Liquor Control Act, as amended (Articles 666-1, et seq., Vernon's Texas Penal Code), is amended by adding a Section 11-b to read as follows:

"Section 11-b. (a) If a Mixed Beverage Permittee, his agent, or employee, sells or gives any alcoholic beverage to an intoxicated person, and that person, as a result of his intoxication, causes personal injury, death, or property damage to another, the permittee, agent, or employee shall be liable for all just damages.

"(b) The doctrine of respondeat superior is expressly made applicable to the permittee in all actions brought under this section.

"(c) No person may be issued a Mixed Beverage Permit unless he files a bond, approved by the Commission or Administrator, or proof that he is protected by a liability insurance policy, issued by a company licensed to do business in this state, which provides at least the following coverage for liability arising under this section:

"(1) a minimum of \$10,000 per injured person;

"(2) a minimum of \$20,000 per death; and

"(3) a minimum of \$30,000 per occurrence.

"(d) All persons liable under the provisions of this Section are jointly and severally liable.

"(e) The Commission or Administrator shall cancel, with or without a hearing, the permit of any Mixed Beverage Permittee if the bond or insurance policy required by subsection (c) of this section ceases to be valid.

"(f) The Commission or Administrator may issue reasonable rules and regulations pursuant to this Section."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—13

Hall	Mauzy
Hightower	McKool
Kennard	Patman

Ratliff
Schwartz
Sherman
Snelson

Watson
Wilson
Word

Nays—16

Aikin	Creighton
Bates	Grover
Beckworth	Harrington
Bernal	Harris
Blanchard	Herring
Brooks	Jordan
Christie	Kothmann
Connally	Moore

Paired—2

Bridges	Wallace
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PAIRED

Senator Wallace (present), who would vote "Yea," with Senator Bridges (absent), who would vote "Nay."

Senator Bates offered the following amendment to the bill:

Amend Section 15 of Senate Bill 346 adding to Article I of the Texas Liquor Control Act a new section to be identified as Section 20e by striking from the second sentence thereof the phrase "18 fluid ounces" and substituting in lieu thereof "one fluid ounce."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—18

Bates	Hightower
Beckworth	Kennard
Blanchard	McKool
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Watson
Herring	Word

Nays—12

Aikin	Creighton
Bernal	Harris
Brooks	Jordan

Kothmann	Patman
Mauzy	Wallace
Moore	Wilson

Absent—Excused

Bridges

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 346 by adding a new Section 25(a) to Section 25 to read as follows:

"Section 25(a). The Texas Alcoholic Beverage Commission is hereby authorized to recruit, train and instruct as many as 200 additional Alcoholic Beverage Commission agents to implement and carry out the policies of this Act, and all rules and regulations which the Texas Alcoholic Beverage Commission may promulgate under this Act for the proper control and implementation of alcoholic beverage laws and regulations in the State of Texas.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—11

Christie	Snelson
Hall	Wallace
Jordan	Watson
McKool	Wilson
Patman	Word
Ratliff	

Nays—19

Aikin	Harris
Bates	Herring
Beckworth	Hightower
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Connally	Moore
Creighton	Schwartz
Grover	Sherman
Harrington	

Absent—Excused

Bridges

On motion of Senator Christie and by unanimous consent, the caption

was amended to conform to the body of the bill as amended.

The bill was passed to engrossment by the following vote:

Yeas—19

Bates	Herring
Bernal	Jordan
Blanchard	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Harrington	Schwartz
Harris	

Nays—10

Aikin	Sherman
Beckworth	Snelson
Hall	Watson
Hightower	Wilson
Ratliff	Word

Paired—2

Bridges	Wallace
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PAIRED

Senator Wallace (present), who would vote "Nay," with Senator Bridges (absent), who would vote "Yea."

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Pursuant to S. C. R. No. 61 we are returning H. B. No. 3.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**House Bills and Resolution on
First Reading**

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 329, To Committee on Insurance.

H. B. No. 63, To Committee on Public Health.

H. C. R. No. 72, To Committee on Parks and Wildlife.

H. B. No. 66, To Committee on State Departments and Institutions.

H. B. No. 76, To Committee on State Affairs.

H. B. No. 328, To Committee on Education.

H. B. No. 326, To Committee on Parks and Wildlife.

**Senate Bill With
House Amendment**

Senator Wilson called S. B. No. 333 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment to S. B. No. 333:

Amend S. B. 333 by inserting a new Section after Section 1 to read as follows and renumbering the subsequent sections accordingly.

"Section 2. In the event the governing board of trustees of any such junior college district shall not have adopted the provisions of this Act, it shall be the duty of such board of trustees when presented with a petition requesting such action, signed by 10% or more of the qualified electors residing within such public junior college district, to call an election within such junior college district at which there shall be submitted to the qualified voters of the public junior college district the proposition whether such public junior college district shall adopt the provisions of this Act with respect to the election of trustees, which election shall be held not less than thirty (30) nor more than sixty (60) days thereafter on the first Saturday of some month within such period of time, notice of which such election shall be given by publication one time in at least one newspaper of general circulation in each county in which said public junior college district has territory not more than thirty (30) days nor less than ten (10) days prior to such election. The

returns of such election shall be made to such board of trustees, which shall canvass the returns and declare the results thereof. In the event a majority of those voting in such election vote in favor of the proposition to adopt the provisions of this Act, then the board of trustees of such public junior college shall proceed as hereinafter provided in the same manner as though the governing board of trustees of such junior college district had by resolution of the trustees elected to adopt the provisions of this Act. If the provisions of this Act are adopted at such an election such action shall not thereafter be rescinded."

The House amendment was read.

Senator Wilson moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

Memorial Resolutions

S. R. No. 744—By Senator Blanchard: Memorial resolution for Mrs. E. W. Williams, Sr.

S. R. No. 746—By Senator Blanchard: Memorial resolution for Mrs. Carl E. Slaton.

Welcome and Congratulatory Resolutions

H. C. R. No. 86—Extending congratulations to Miss Judy Womack, "Miss Wool and Mohair of Texas."

H. C. R. No. 88—Extending congratulations to Cypress-Fairbanks basketball team.

H. C. R. No. 92—Extending congratulations to Order of DeMolay.

S. C. R. No. 60—By Senator Harris: Recognizing March 20, 1971, as Victory in Vietnam Day.

S. R. No. 745—By Senator Bernal: Extending congratulations to Joe F. Garza.

S. R. No. 747—By Senators Hightower and Blanchard: Extending congratulations to Virgil Martin.

S. R. No. 748—By Senator Brooks: Extending welcome to Jim Greer.

S. R. No. 749—By Senator Watson: Extending welcome to teacher and students, eighth grade, Rogers High School, Rogers.

S. R. No. 750—By Senator Watson: Extending welcome to Bill Brigham.

S. R. No. 751—By Senator Herring: Extending welcome to teachers and students, fifth grade, Ortega Elementary School.

Adjournment

On motion of Senator Christie the Senate at 1:45 o'clock p.m. adjourned until 1:50 o'clock p.m. today.

Record of Vote

Senator Watson asked to be recorded as voting "Nay" on the motion to adjourn.

APPENDIX

Sent to Governor

March 18, 1971

S. C. R. No. 57

FORTIETH DAY

(Thursday, March 18, 1971)

The Senate met at 1:50 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Bernal
Bates	Blanchard
Beckworth	Brooks